

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY _____ D.C.

05 JUN -6 AM 9:38

ROBERT R. DI TROLIO
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OZELLA WADLEY and JOSEPH
WADLEY,

Plaintiffs,

VS.

GRANGE MUTUAL CASUALTY
COMPANY,

Defendant.

No. 04-1276-T/An

ORDER OF DISMISSAL

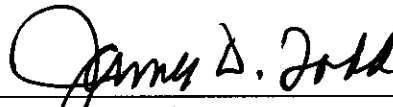
In October 2003, the Honorable J. Daniel Breen granted plaintiffs' motion to voluntarily dismiss case #01-1377 without prejudice. However, the motion was granted only on the condition that, if the case were re-filed, the plaintiffs would pay certain costs incurred by the defendant. Plaintiffs re-filed the action on October 20, 2004. Thereafter, on March 8, 2005, defendant filed a motion to dismiss, asserting that plaintiffs had not complied with Judge Breen's order. Even though the plaintiffs did not respond to the motion to dismiss, the Court entered an order on April 25, 2005 directing the defendant to file an itemization of the costs in question. Plaintiffs were ordered to file either an objection or proof of payment within eleven days after the filing of that itemization. Plaintiffs were warned that failure to comply would result in dismissal of this action without further notice.

This document entered on the docket sheet in compliance
with Rule 58 and/or 79 (a) FRCP on 06-06-05

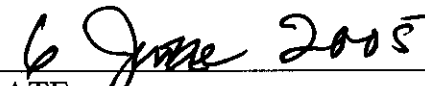
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Defendant filed the required itemization of costs on May 5, 2005. Therefore, plaintiffs had until May 16, 2005 to comply with the Court's order. However, plaintiffs have filed neither an objection nor proof of payment. Therefore, this case is hereby DISMISSED with prejudice.

IT IS SO ORDERED.



JAMES D. TODD
UNITED STATES DISTRICT JUDGE



DATE



Notice of Distribution

This notice confirms a copy of the document docketed as number 14 in case 1:04-CV-01276 was distributed by fax, mail, or direct printing on June 6, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT